

**Before the
Federal Communications Commission
Washington, D.C. 20554**

December 13, 2016

In the Matter of

Schools and Libraries Universal Service
Support Mechanism

Request for Review of a decision by USAC – Schools and Libraries Division/Request for
Waiver of USAC's deadline for the FCC Form 486

Plato Academy Charter School

Schools and Libraries Program: CC Docket No. 02-6

FCC Request for Review and Waiver

Applicant Name: Plato Academy Charter School

Applicant BEN: 16036922

Service Provider: Bright House Networks, LLC **SPIN:** 143016611

Application Number: 1049753

FRN: 2866838

Form 486 # 1177087

Submitted by:

Kristin Sniecinski
106 Lilac Drive
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E-Rate Advantage
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Introduction

This is a request for the review of the decision by the Universal Service Administrative Company (USAC) Schools and Libraries Division and a request for the FCC to waive USAC's deadline for the FCC Form 486 for the above application and associated FRN. The service start date was changed and the amount of funding was reduced because the school filed their Form 486 late. We appealed this decision with USAC and they denied the appeal stating that "USAC has determined that your FCC Form 486 was not filed within 120 days..." Please find the USAC denial letter attached. Plato Academy Charter School respectfully requests that the FCC review USAC's denial and consider a Form 486 deadline waiver for the reasons explained below.

Argument

The school does not argue with the fact that the 486 was filed outside the window. The school argues that it was out of their control. The staff person who was managing the E-Rate process for Plato Academy Charter School left during the 2015/2016 E-Rate funding year. When he left, the staff was assured that everything was in order and that all paperwork had been completed and all deadlines adhered to in order to secure the applicant's E-Rate funding and that no further action was required at that time. When the new staff member took over the E-Rate process for Plato Academy Charter School and reviewed their 2015/2016 E-Rate documentation, they realized that no 2015/2016 Form 486 had been submitted. As soon as this issue was discovered, the staff submitted the Form 486. The Plato Academy Charter School staff never received the FCC Form 486 Urgent Reminder Letter because it was addressed to the staff person who left so they weren't alerted to the fact that the Form 486 was late until the new staff member discovered the issue. In addition, we have not attached the Form 486 Notification Letter because the staff at Plato Academy Charter School has not received it. We believe it might also have been addressed to the old staff member since he was the 471 contact person.

The school doesn't argue that they missed the deadline but they do argue that there is no waste, fraud or abuse and ask that the service start date be reset to July 1, 2015 so that the school can collect the funds that have already been committed and that they have paid for in full.

We believe that this request follows the precedent set by the order, DA 16-1205, Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., File Nos. SLD-894989, 922278 et al. where the FCC granted appeals for 69 applicants whose funding had been reduced as the result of late-filed Form 486s. This order states "In the interest of fairness, we will continue to apply the current Alaska Gateway Order-based standard to appeals filed with USAC or the Commission before January 30, 2017".

We believe that this appeal meets the current Alaska Gateway Order-based standard and follows the precedent set by the Alaska Gateway School District Tok, AK, et al., File Nos. SLD-412028, et al. where the FCC granted 128 appeals of decisions by USAC reducing or denying funding from schools and libraries for various funding years because

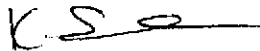
they did not timely file 486s. As with many of those cases, Plato Academy Charter School's "failure to timely file was the result of staff confusion or mistake, or circumstances beyond the applicant's control".

Just like in the cases in the above referenced Orders, Plato Academy Charter School missed a USAC procedural deadline but did not violate a Commission rule. Therefore, we do not believe that a complete rejection is warranted. We respectfully request that the FCC overturn USAC's denial and waive the Form 486 deadline so that the Service Start Date is restored to the original requested Service Start Date of 07/01/2015 so that the school can take advantage of the funding they were awarded.

We respectfully request that the FCC review this request and grant relief to Plato Academy Charter School from the Form 486 deadline.

If you have any questions or need additional information please let me know.

Thank you,

A handwritten signature in black ink, appearing to read "K. Sniecinski", with a horizontal line extending to the right.

Kristin Sniecinski

Kristin Sniecinski
E-Rate Advantage
106 Lilac Drive
Annandale, NJ 08801

Billed Entity Number: 16036922
Form 471 Application Number: 1049753
Form 486 Application Number: 1177087



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

November 10, 2016

Kristin Sniecinski
E-Rate Advantage
106 Lilac Drive
Annandale, NJ 08801

Re: Applicant Name: PLATO ACADEMY CHARTER SCHOOL
Billed Entity Number: 16036922
Form 471 Application Number: 1049753
Form 486 Application Number: 1177087
Funding Request Number(s): 2866838
Your Correspondence Received: October 26, 2016

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 486 Notification Letter for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2866838
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from December 11, 2015 of the Funding Commitment Decision Letter (FCDL); the date of the FCDL indicated on the FCC Form 486. On April 18, 2016, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on September 30, 2016, which is after the new deadline date. Consequently, the SSD has been revised to June 2, 2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are

submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Joseph Christoff